

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

## FINAL JUDGMENT AND PERMANENT INJUNCTION

Now comes before the court the joint motion of the plaintiff, Travelhost, Inc., and the defendant, Trent Modglin, for entry of a final judgment and permanent injunction in favor of the plaintiff against the defendant. Finding that the relief requested is agreed to by all parties, the court finds and orders as follows:

It is hereby **ORDERED, ADJUDGED** and **DECREED** that the non-compete covenant contained in the distributorship agreement of the parties is valid and fully enforceable, that defendant Trent Modglin has violated that covenant, and that plaintiff has been damaged and is threatened with further irreparable damage.

It is further hereby **ORDERED, ADJUDGED** and **DECreed** that defendant Trent Modglin and all those in concert or active participation with him should be and are hereby enjoined for a period of time of two (2) years from May 31, 2012, from:

- a) publishing, distributing, promoting, or selling advertising into any travel publication or online website or web service primarily targeting travelers to the geographical area consisting of the Illinois counties of Cook and Du Page (“designated area”) and providing information to those travelers regarding local things to do, places to go, dining, entertainment, shopping and/or attractions;
- b) distributing or authorizing, facilitating or condoning distribution of the publication known as The Real Chicago Magazine (“RCP”) to any lodging properties (hotels, motels, bed and breakfasts, vacation rental properties, or other establishments offering lodging to visitors to the area), at any inter-city/non-local transportation facilities (airports or train stations), or at any convention/visitor centers within the designated area for placement onsite, in lobby, in-room or otherwise;
- c) representing or including any reference in the RCP publication, in any RCP advertising/media kit materials, or on the RCP website [www.therealchicagoonline.com](http://www.therealchicagoonline.com) that the publication is distributed to any such lodging properties, airports or train stations, or convention/visitor centers;
- d) including in RCP or any materials promoting RCP any advertised readership figures potential readers of any copies of RCP obtainable or accessible at such lodging properties, airports or train stations, or convention/visitor centers;
- e) expressly promoting or advertising RCP as a travel publication or as serving the needs of travelers to the designated area; and/or

f) making any untrue, misleading, or derogatory remarks regarding Travelhost, Inc., TRAVELHOST Magazine, or any TRAVELHOST distributor to anyone, including, but not limited to, any local lodging properties, distribution outlets, business establishments or potential advertisers.

It is further **ORDERED, ADJUDGED** and **DECreed** that the plaintiff should be, and hereby is, awarded damages against defendant Trent Modglin in the amount of \$123,713.03, together with interest thereon at the rate of 0.12 % per cent per annum from the date hereof, compounded annually.

It is further **ORDERED, ADJUDGED** and **DECreed** that all other claims of the parties, including any other relief sought by the parties, should be and hereby are **DISMISSED**, with prejudice.

It is further **ORDERED, ADJUDGED** and **DECreed** that each of the parties shall bear its respective costs incurred in connection with this suit.

This final judgment disposes of all pending claims in the case, and there are no further issues remaining to be resolved. This court retains jurisdiction over this agreed judgment and permanent injunction and retains the power to enforce the orders herein, through sanctions, contempt or other appropriate remedies, if necessary.

June 12, 2012.

  
A. JOE FISH  
Senior United States District Judge

**AGREED TO:**

WINSTEAD PC

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